

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CORY HARRIS WILLIAMS,

Plaintiff,

v.

**Civil Action 2:17-cv-576
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Jolson**

MAYVILLE STATE BANK,

Defendant.

REPORT AND RECOMMENDATION

On July 5, 2017, this Court granted Plaintiff's motion for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a) and ordered Plaintiff to submit a copy of the Complaint, a properly-completed summons, and a Marshal service form for Defendant within fourteen days. (Doc. 2). The Court explained that, upon receipt of that information by the Clerk's Office, the United States Marshal would make service of process by certified mail upon Defendant. (*Id.*). Along with the Order, the Clerk mailed a blank summons form and USM-285 form to Plaintiff. He nevertheless failed to comply with this Court's order.

This Court issued a second Order on October 11, 2017, noting that the complaint in this action was filed on July 11, 2017 (Doc. 3), and Plaintiff had yet to effect service on Defendant. (Doc. 4). More specifically, the Court noted that Plaintiff had yet to provide a copy of the complaint, a summons, and a service form for Defendant so that the United States Marshals Service could effect service of process by mail. (*Id.* (citing Doc. 2)). Accordingly, the Court directed Plaintiff to show good cause within fourteen days why this action should not be dismissed and why an extension of time to effect service should be allowed. (*Id.* (citing Fed. R. Civ. P. 4(m))).

More than fourteen days have passed since the Court's October 11, 2017 Order, and Plaintiff has failed to respond. Although Plaintiff is proceeding *pro se*, he is required to follow the Federal Rules of Civil Procedure. Based on the foregoing, the Court **RECOMMENDS** that this action be dismissed for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 (1962).

Procedure on Objections to Report and Recommendation

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: October 30, 2017

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE